THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6216 of 2006

Dated: 08-11-2006

Between:

Kampalli Sathemma and others.

..... PETITIONERS

AND

The District Collector, Warangal, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6216 of 2006

ORDER:

The petitioners were allotted land admeasuring 0.20 guntas and the said land was registered in their name by respondent No.2 in 2003. They allege that on the influence of local M.L.A., respondent No.1 proposed to cancel the assignment as well as registered sale deeds in their favour. Apprehending the same, instant writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in proposing to cancel the registered sale deeds executed by respondent No.2 in favour of the petitioners in 2003 as illegal and arbitrary.

This writ petition was filed on 27-03-2006. The respondents have not filed any counter-affidavit so far. Be that as it is, the petitioners apprehend that the sale deeds might be cancelled. If that be so, they can always approach respondent No.4 and raise their objections for cancellation.

A Full Bench of this Court in **Yanala Malleshwari v. Smt. Ananthula Sayamma**[1] has laid down that a writ petition seeking invalidation of a cancellation deed (cancelling earlier sale deed) is not maintainable and the person has to seek remedy by filing a suit in civil Court. In view of this, present writ petition cannot be entertained. The petitioners may raise their objections at the time of cancellation of sale deeds or if the sale deeds are already cancelled, they may file suit seeking appropriate declaration.

The writ petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

08th November, 2006

Note: Issue CC in ten days.

B/o

ghn

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[1] Unreported judgment of Full Bench in W.P.Nos.9512 of 2003 and batch dated 24.10.2006